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RICHARD A. EAGLESTON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD A. EAGLESTON, an individual,)	Case No. CV 12-05633 WHO
)	
Plaintiff,)	STIPULATION AND ORDER TO
v.)	CONTINUE MEDIATION DATE
)	
THE PAUL REVERE LIFE INSURANCE)	
COMPANY, UNUM GROUP, and DOES 1)	
through 50,)	
)	
Defendants.)	

Plaintiff Richard Eagleston (“Eagleston” or “Plaintiff”) and Defendant The Paul Revere Life Insurance Company (“Paul Revere” or “Defendant”), by and through their counsel of record, hereby respectfully submit this Stipulation and the accompanying Proposed Order to continue the mediation deadline in this matter. For reasons set forth below, the parties believe that good cause exists to allow the short additional extension of time.

1 This litigation arises from a dispute regarding disability insurance benefits. Plaintiff has
2 brought claims for relief against the Defendant for breach of contract and bad faith.

3 The parties previously requested the Court to continue the previously set Case
4 Management Conference in order to conduct a mediation. The Court graciously granted that
5 request, but alerted the parties that there would be no more extensions for the mediation, and
6 instructed that the mediation be conducted by the next CMC, currently set for January 29, 2014.

7 The parties had a mediation scheduled for January 8, 2014, but now respectfully request
8 the Court to permit a very short extension, to February 19, 2014, the earliest date the mediator,
9 Craig Needham, is available. The parties believe that good cause exists to do so. The parties
10 respectfully make this request being aware of the Court's prior instructions and comments about
11 further extensions.

12 The parties agree that the success of this mediation is best served by having plaintiff's
13 counsel present at the mediation, if possible, rather than having a different attorney appear for
14 Plaintiff at the mediation. Plaintiff's counsel is more familiar with both the facts of the case and
15 the client. Defense counsel prefers that plaintiff's counsel be the participant at the mediation, for
16 the same reasons.

17 However, plaintiff's counsel and his wife have what is literally a once in a lifetime
18 opportunity to visit their adult son in Africa during the month of January, a trip which will require
19 Plaintiff's counsel to miss the scheduled mediation for January 8. Plaintiff's counsel leaves at the
20 start of January and will be traveling to Africa to spend the month with his son who is a student at
21 the University of Ghana, Legon, in Accra, Ghana.

22 In light of the once in a lifetime nature of the cause for this request, the parties believe
23 there is good cause to seek relief from the Court, and obtain a short extension. As indicated
24 above, the earliest alternative date available is the proposed February 19, 2014 date, which has
25 already been reserved. Counsel hope that such a brief extension would cause no inconvenience to
26 the Court.

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3 ///

4 The parties hereby respectfully request that the Court modify its prior order and permit the
5 parties to conduct the mediation on February 19, 2014, after plaintiff's counsel has returned from
6 Africa.

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8 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER
9 LLP

10 Dated: January 2, 2014

11 By /s/ Francis Torrence
12 FRANCIS TORRENCE
13 Attorneys for Defendants
14 THE PAUL REVERE INSURANCE COMPANY and
15 UNUM GROUP

16 LAW OFFICES OF BORIS E. EFRON

17 Dated: January 2, 2014


18 By /s/ David W. Wessel
19 DAVID W. WESSEL
20 Attorneys for Plaintiff
21 RICHARD A. EAGLESTON

22 **PURSUANT TO STIPULATION, IT IS SO ORDERED as modified below:**

23 **The Case Management Conference set for January 28, 2014 is continued until March 4, 2014.**

24 **The parties shall file a Joint Case Management Statement on or before February 26, 2014**
25 **which either notifies the Court of a settlement or proposes a trial and case schedule with a trial**
26 **date in 2014, as one will be set at that time.**

27 DATED: January 2, 2014

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WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE